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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,241	09/18/2003	Kevin M. Christiansen	18602-08301	2909

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APPLE/FENWICK
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EXAMINER

SORRELL, ERON J

ART UNIT PAPER NUMBER

2182

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/667,241	Applicant(s) CHRISTIANSEN, KEVIN M.	
	Examiner Eron J. Sorrell	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reissue Applications

1. Receipt of the substitute oath/declaration filed 9/28/06 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 31-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Referring to claim 33, claim recites "a memory *capable of*..." and "a circuit *capable of*..." (emphasis added). It is unclear to the examiner if the language after "capable of" is intended to be within the scope of applicant's claimed invention. Per MPEP 2106, "language that suggests or makes optional but does not require steps to be performed does not limit the claim (emphasis in original)." For the purpose of compact prosecution the Examiner will interpret the claims as if they require the

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limitations set forth using the optional language, however an appropriate amendment is required if the applicant intends for these limitations to be required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 21-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawai et al. (U.S. Patent No. 5,584,010).

7. Referring to apparatus claims 21,26, and 30, and method claim 34, Kawai teaches a memory access controller (see item 103 in figure 6) adapted to be coupled to a computer system memory (see item 100 in figure 6) and an Input/Output device (I/O) device (see DSP-2 or DSP-3), comprising:

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a register (see item 251 in figure 7) for storing a data status signal generated by the I/O device after the I/O device transfers a data unit to a system external to the computer system (see lines 12-25 of column 9, see also figures 5 and 10B, note the external memory is being interpreted as the external system and the computer system comprises DSPs 1-3 and busses 231,232, the address bus and local data bus); and

circuitry coupled to the register (see item 260 in figure 7) for receiving the data status signal and for controlling subsequent operation of the memory access controller based on the status signal (see lines 27-51 of column 10).

The rejection above is based on the following reasoning:

DSP-1 wants to send data to DSP-2 (I/O device), however DSP-2 is busy sending data to the external memory (external system), therefore DSP-2 is busy (see figure 10B), once DSP-2 is finished sending data to the external memory, it sends a status signal to the DMA controller of DSP-1 informing DSP-1 that it is now ready to receive data (see lines 15-26 of column 11).

8. Referring to claims 22 and 27, and method claim 33, Kawai teaches the data status signal indicates the end of a data unit (see lines 31-35 of column 9, note the status is updated to

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reflect the state of the local bus, if there is a transition from a busy state to a ready state, then there was an end to the previously transferred data unit).

9. Referring to claims 23 and 28, Kawai teaches the memory controller executes an instruction in response to the data status signal (see lines 11-15 of column 9).

10. Referring to claims 24 and 29, Kawai teaches the data status signal is used to prompt the memory access controller to request information from the I/O device (see figure 10B, note if the destination, DSP-2 (I/O device) is busy, its continually checked until it becomes ready).

11. Referring to claim 25, Kawai teaches the data status signal is used to keep the channel process active (see lines 11-15 of column 9, note the channel is kept active with the subsequent data transmission).

12. Referring to claim 31, Kawai teaches the I/O device generates the status data after a data unit transfer from the computer system memory to the system external to the computer system (see lines 15-26 of column 11).

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13. Referring to claim 32, Kawai teaches the circuit is capable of using the status data to control any subsequent data unit transfers between the computer system memory and the system external to the computer system (see lines 15-26 of column 11).

14. Referring to claim 33, Kawai the memory capable of storing status data is a register (see item 251 in figure 7) and the computer system is a computer (note the computer comprises collectively items 200a-c. the busses and the busses connecting them; this configuration yields, inter alia a system with memory, a data processing unit, a dma controller, an i/o interface, all components of a typical computer).

15. Referring to claim 36, Kawai teaches determining whether the status data in the status memory indicate completion of the data unit transfer (see figure 10B, note if the destination, DSP-2 (I/O device) is busy, its continually checked until is becomes ready); and transferring another data unit between the memory in the computer system and the system external to the computer system after determining that the data in the status memory indicate completion of the data transfer (see lines 15-26 of column 11).

Response to Arguments

16. Applicant's arguments filed 9/8/02 have been fully considered but they are not persuasive. The applicant argues that Kawai does not teach transferring data to a system external to the computer system (see pages 10 and 11 of applicant's remarks).

As per argument 1, the Examiner disagrees. The "computer system" of Kawai (see figure 5) comprises DSP-1-3, DMA request and acknowledge lines 231 and 232, address bus 222 and local bus 221. This configuration yields a system with, *inter alia*, a memory, a data processing unit, a dma controller, an i/o interface, all components of a typical computer system. External memory 201 is external to the system identified above and coupled to the computer system via a main bus 220. Additionally claim 21 does not actually require an external system. Claim 21 is directed toward a memory access controller comprising a register and circuitry coupled to the register. The claim does not positively recite that the controller is coupled to anything, but merely *adapted to be coupled* (emphasis added). Claim 21 also not required that the register actually store anything, nor is it required that the circuitry do

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anything other than be connected to the register. Per MPEP 2114, "A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987)."

Allowable Subject Matter

17. Claims 1-20 are allowed. The reasons for allowance set forth in the office action mailed 5/23/06 are maintained.

Conclusion

18. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EJS
January 5, 2007

KIM HUYNH
SUPERVISORY PATENT EXAMINER

1/5/07